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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,716	10/21/2003	Michael Francis Higgins	08831.0060	9772

42304      7590      06/07/2006

CLAIRVOYANTE, INC.  
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EXAMINER	
LUU, MATTHEW	

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



***Election/Restrictions***

1. Upon review of Applicant's amendment to the claims filed April 6, 2006, it is noted that a restriction/election is warranted. Any inconvenience to Applicant is regretted.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-12, drawn to a gamut conversion system comprises gamma unit and a chroma/luma conversion unit, classified in class 358, subclass 520.
  - II. Claims 33-35, drawn to a gamut conversion system comprises a look up table and a calculation unit, classified in class 345, subclass 604.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, invention I has separate utility such as a gamut conversion system comprises gamma unit and a chroma/luma conversion unit without a look up table and a calculation unit. The invention II has separate utility such as a gamut conversion system comprises a look up table and a calculation unit without a gamma unit and a chroma/luma conversion unit. In other words, each one of the

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inventions recited in Group I and Group II is separately usable in a system not having the other. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Upon election of invention I or II, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

A. The embodiment of Fig. 1 (gamut conversion/expansion system).

B. The embodiment of Fig. 7 (a technique for conversion of one gamut to another by calculation a scaling factor).

C. The embodiment of Fig. 8 (a system that performs the gamut conversion from one color space to another color space).

6. Upon election of invention A, B, or C, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to

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which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- (1) Wherein the gamut conversion values are determined by traversing the edges of a plurality of gamuts.
- (2) Wherein the gamut conversion values are derived by traversing the edge of a gamut polygon to generate a saturation values at each hue angle.

7. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (e.g., I, A and (1)), and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



**MATTHEW LUU**  
**PRIMARY EXAMINER**